Julie Marie a/k/a John Oakleaf
Name
10 McGregor Range Road
Chaparral NM 88081
Address

FILED
U.S. DISTRICT COURT
DISTRICT OF NEW MEXICO
2015 JUL 30 PM 3:08
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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

Julie Marie a/k/a John Oakleaf, Plaintiff
(Full Name)

v.

Warden Frawner
Ms. Ibrahim
, Defendant(s)

CASE NO. CIV 15-0220 RB/SMV
(To be supplied by the Clerk)

Amended
CIVIL RIGHTS COMPLAINT
PURSUANT TO 42 U.S.C.§1983
Per Memorandum Opinion and Order dated 7/20/15

A. JURISDICTION

1) Julie Marie a/k/a John Oakleaf, is a citizen of New Mexico
(Plaintiff) (State)
who presently resides at 10 McGregor Range Road Chaparral, NM 88081.
(Mailing address or place of confinement)

2) Defendant Warden Frawner is a citizen of
(Name of first defendant)
Chaparral, NM, and is employed as
(City, State)
Warden, Otero County Prison Facility. At the time the claim(s)
(Position and title, if any)
alleged in this complaint arose, was this defendant acting under color of state law?
Yes ☐ No ☒ If your answer is "Yes", briefly explain:

3) Defendant Ms. Ibrahim is a citizen of
(Name of second defendant)
Chaparral, NM, and is employed as
(City, State)
Counselor, Otero County Prison Facility. At the time the claim(s)
(Position and title, if any)
alleged in this complaint arose, was this defendant acting under color of state.
Yes ☐ No ☒ If your answer is "Yes", briefly explain:

(Use the back of this page to furnish the above information for additional defendants.)

4) Jurisdiction is invoked pursuant to 28 U.S.C. §1343(3), 42U.S.C. §1983. (If you wish to assert Jurisdiction under different or additional statutes, you may list them below.)

B. NATURE OF THE CASE

1) Briefly state the background of your case.

I am psychologically a female and I am being forced to live as a male while incarcerated at Otero County Prison Facility (OCPF) in Chaparral, New Mexico. OCPF is Managed by MTC, a contractor for New Mexico Corrections Department.

I have repeatedly told MTC medical and mental health staff that, without the right treatment, I am at great risk of suicide and self-treatment such as self-castration. In addition, I have repeatedly told security staff that, because I am transgendered, I am more likely to be a victim of sexual assault.

The failure to treat me and to protect me from assault is cruel and unusual punishment, contrary to the 8th amendment of the U.S. Constitution

C. CAUSE OF ACTION

1) I allege that the following of my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: (If necessary, you may attach up to two additional pages (8 1/2" x 11") to explain any allegation or to list additional supporting facts.

A)(1) Count I:
The failure of Warden Frawner to protect me while I was in his custody.

(2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing leagl authority or argument.)

I arrived at OCPF on July 17, 2013. During intake, I told several staff members that I was concerned about my safety because of being transgendered. this staff included the intake lieutenant and medical staff. (I do not have their names.) In spite of my concerns, I was placed in general population.

On January 27, 2015, I was a victim of sexual assault. This assault was investigated by the Otero County Sheriff's Department and PREA. I was placed in the Restricted Housing Unit during the investigation. On April 22, in spite of my objections, Captain Ochoa, with the support of Warden Frawner, placed me back into general population. I was placed in a different pod; however, the person who assaulted me resides in the same housing unit. (See back)

B)(1) Count II:
The failure of Ms. Ibrahim to evaluate me for Gender Identity Disorder (GID).

(2) Supporting Facts:
Ms. Ibrahim, a counselor at OCPF, has denied my numerous requests to evaluate me for Gender Identity Disorder (GID), a serious medical condition. Her first denial occured on September 3, 2014. In my recent discussions with Ms. Ibrahim and her boss, Mr. Diaz, I have been told that I have been evaluated. Since I have no memory of such an evaluation, I have requested a copy of it. I have not yet been provided with it.

C)(1) Count III:

The failure of Ms. Ibrahim and Warden Frawner to treat my transgendered condition.

(2) Supporting Facts: I have been denied all treatment for GID, including the opportunity to live as a female and hormone therapy. The generally accepted protocols for the treatment of GID is defined by the Benjamin Standards of Care. These standards, published by the World Professional Association for Transgender Health, include (1) hormone therapy; (2) a real-life experience of living as a member of the opposite sex; and (3) sex reassignment surgery.

I have requested hormone therapy numerous times and Ms. Ibrahim has denied this treatment each time.

On June 21, 2014, I requested female undergarments and Ms. ~~[illegible]~~ Pascale, of (see back)

D) PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1) Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment?
Yes ☑ No ☐ If your answer is "YES", describe each lawsuit. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

a) Parties to previous lawsuit.

Plaintiffs: John Oakleaf a/k/a Julie Marie

Defendants: Warden Frawner and the State of New Mexico

b) Name of court and docket number:
12th Judicial District Court
D-1215-CV-2014-00124

c) Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending? still pending

d) Issues raised: Medical Malpractice

e) Approximate date of filing lawsuit: September 8, 2014

f) Approximate date of disposition: None at this time

2) I have previously sought informal or formal releif from the appropriate administrative officials regarding the acts complained of in Part C. Yes [X] No [ ] If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No," briefly explain why administrative relief was not sought.

I have attempted administrative remedies through numerous conversations and written requests. All of my requests for relief were denied as described in this complaint.

E. REQUEST FOR RELIEF

1) I believe that I am entitled to the following relief:

- Medical treatment for GID based on Benjamin Standards of Care
- $1,000,000 (one million dollars) for pain, suffering, and emotional and mental duress and stress

Signature of Attorney (if any)

Julie Marie aka John Oakleaf
Signature of Petitioner

Attorney's full address and telephone number.

DECLARATION UNDER PENALTY OF PERJURY

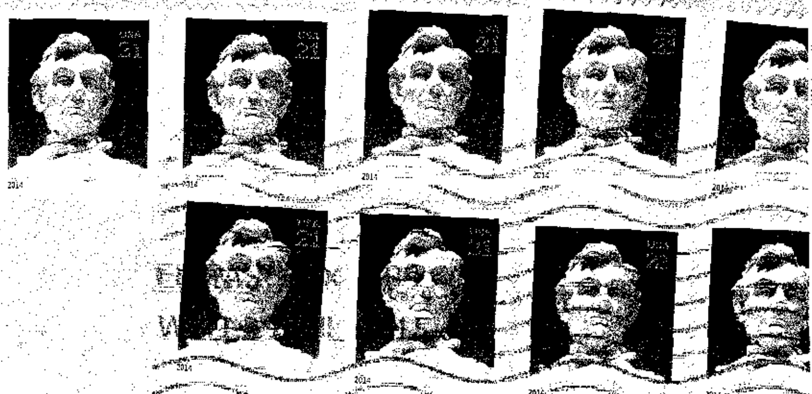
The undersigned declares under penalty of perjury that he is the plaintiff in the above action, that he has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. Sec. 1746. 18 U.S.C. Sec. 1621.

Executed at Chaparral, New Mexico on July 26 ~~19~~ 2015.
(Location) (Date)

Julie Marie a/k/a John Oakley
(Signature)

Julie Marie Oakleaf 70310
10 McGregor Range Road
Chaparral NM 88081

WC-17



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MATTHEW J. DYKMAN
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US District Court
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Las Cruces NM 88001